

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 587 - SB 593**

March 15, 2015

**SUMMARY OF BILL:** Creates an enhancement factor for robbery and aggravated robbery. Allows a judge to enhance a sentence for robbery or aggravated robbery if the offense occurred on the premises of a licensed retail pharmacy and was committed for the purpose of obtaining a controlled substance.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$107,100 Highest Projected Cost of the Next 10 Years/Incarceration\***

Assumptions:

- The proposed legislation establishes an enhancement factor for robbery and aggravated robbery offenses if the offense occurred on the premises of a licensed retail pharmacist and was committed for the purpose of obtaining a controlled substance.
- Statistics from the Tennessee Bureau of Investigation's Crime in Tennessee Reports ([http://www.tbi.state.tn.us/tn\\_crime\\_stats/stats\\_analys.shtml](http://www.tbi.state.tn.us/tn_crime_stats/stats_analys.shtml)) indicate an average of 1.28 percent of robberies in Tennessee occur within a medical facility.
- Statistics from the Department of Correction (DOC) show that there has been an average of 665.6 admissions for Class B felony robbery-related offenses each year for the past 10 years and an average of 617.7 admissions for Class C felony robbery-related offenses each year for the past 10 years. The proposed legislation could result in nine robbery-related Class B felony sentences ( $665.6 \times 0.0128 = 9$ ) and eight robbery-related Class C felony sentences ( $617.7 \times 0.0128 = 8$ ) each year being enhanced.
- Sentencing enhancements could apply to plea bargains, but they are not applied in common practice. The bill will not affect admissions that result from plea bargains.
- It is assumed that five of the nine Class B felony sentences and five of the eight Class C felony sentences will result from plea bargains. It is estimated the bill will result in four Class B and three Class C felony sentences being enhanced one classification level each year.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- According to the DOC, the average operating cost per offender per day for calendar year 2015 is \$66.03.

- The average time served for a Class C felony is 3.18 years. It is assumed that applying the enhancement factor will result in a 25 percent increase in the time served, or 0.8 years (3.18 years x .25).
- According to the DOC, 32.03 percent of offenders will re-offend within one year of their release. A recidivism discount of 32.23 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (3 offenders x .3203 = 1 Class C offender).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two Class C offenders [3 offenders – 1 (recidivism discount)] serving an additional 0.8 years (292.20 days) for a total of \$19,294 (\$66.03 x 292.20 days). The cost for two offenders is \$38,588 (\$19,294 x 2).
- The average time served for a Class B felony is 5.69 years. It is assumed that applying the enhancement factor will result in a 25 percent increase in the time served, or 1.42 years (5.69 years x .25).
- According to the DOC, 42.92 percent of offenders will re-offend within two years of their release. A recidivism discount of 42.92 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (4 offenders x .4292 = 2 Class B offenders).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two Class B offenders [4 offenders – 2 (recidivism discount)] serving an additional 1.42 years (518.66 days) for a total of \$34,247 (\$66.03 x 518.66 days). The cost for two offenders is \$68,494 (\$34,247 x 2).
- The total increase in state incarceration costs is \$107,082 (\$38,588 + \$68,494).
- The bill does not create any new felony cases; it impacts sentencing. Though it will impact sentencing proceedings in criminal cases, it is assumed that the courts, district attorneys, and public defenders can accommodate any impact within their existing resources.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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